

REMARKS

In the Office Action mailed November 28, 2007, the Examiner rejected claims 1,3,7,9 and 21-34. By way of the foregoing amendments and the markings to show changes, Applicants have amended claim 1 and 9, and canceled claims 3, 21, and 22, with new claims 35-45 added. Applicants believe that the new set of claims is patentable. The foregoing amendments are taken in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicant would otherwise be entitled in view of the prior art.

I. Examiner In-Person Interview

Applicants would like to thank Examiner Michael Tolin for the time and courtesy extended to Applicant's Representatives Eric Dobrusin and David Zdurne during an in-person Examiner's Interview conducted on February 5, 2008. In that interview, it was discussed a body of art directed to roof ditch sealing applications. Examples of such applications include, but are not limited to, U.S. Patents Nos. 5,931,474; 5,964,979; 5,979,902; 6,030,701; 6,174,932; 6,277,898; 6,287,669; 6,422,575; 6,620,050; 6,740,399; and 6,991,237; and Patent Application Nos. 2004/0048060; 2005/0260399; 2005/0269840; and 2006/0020076. It was also discussed a proposed amendment that might be used to distinguish over the prior art. Applicants have amended the claims to more specifically define the composition of a tack-free film that is adhered to an expandable material. On this basis, Applicants respectfully request reconsideration of the rejected claims and also request that the claims be allowed.

II. Claim Rejections under 35 USC § 102(b)

The Office Action rejected claim 1 of the present application under 35 USC § 102(b) as being anticipated by Kagoshima et al. (US 5,274,006) in view of Agarwal (US 2003/0018095 A1). Without acquiescing in this suggestion, Applicants have amended the language where necessary to overcome the rejection.

III. Claim Rejections under 35 USC § 103(a)

The Office Action rejected claims 1, 3, and 21 of the present invention under 35 USC 103(a) as being obvious and unpatentable over Kogoshima et al. in view of Agarwal as applied to claim 1, and further in view of Harrison et al. (US H2047 H), and claims 7, 9, and 22-34 over Kagoshima et al. in view of Agarwal and Harrison et al. and in further view of Kiuchi et al. (US 7,029,550), Middelmann et al. (US 5,496,613), or Asoshina et al.

(4,7228,544). Without acquiescing in this suggestion, Applicants have amended the language where necessary to overcome the rejection.

The present invention addresses the problems associated with handling generally known synthetic materials by providing a synthetic material having at least one tacky surface and at least one substantially non-tacky surface with or without the need for a complex member such as Patent No: 6,092,864. Applicants believe that there is not a finite number of identified, predictable solutions as predicated under KSR in substantiating an obviousness rejection, accordingly, the present proposed claims are allowable.

Further, by the present amendment, it does not follow that the amended claims have become so perfect in their description that no one could devise an equivalent. After amendment, as before, limitations in the ability to describe the present invention in language in the patent claims naturally prevent the Applicants from capturing every nuance of the invention or describing with complete precision the range of its novelty or every possible equivalent. See, Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co., 62 USPQ2d 1705 (2002). Accordingly, the foregoing amendments are made specifically in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicants would otherwise be entitled.

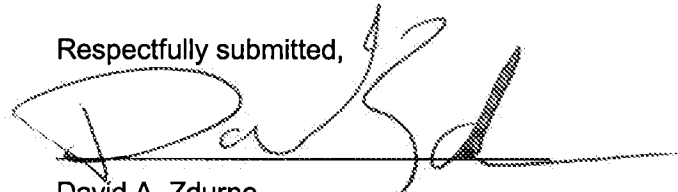
CONCLUSIONS

In view of Applicants' amendments and remarks, the Examiner's rejections are believed to be rendered moot. Accordingly, Applicants submit that the present application is in condition for allowance and requests that the Examiner pass the case to issue at the earliest convenience. Should the Examiner have any question or wish to further discuss this application, Applicant requests that the Examiner contact the undersigned at (248) 292-2920.

If for some reason Applicant has not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent the abandonment of this application, please consider this as a request for an extension for the required time period and/or authorization to charge our Deposit Account No. 50-1097 for any fee which may be due.

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Respectfully submitted,



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